

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY W. JONES, III,
Plaintiff *Pro Se*,

v.

NICHOLAS GRILL, *et al.*,
Defendants.

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CIVIL ACTION NO. 21-CV-1846

ORDER

AND NOW, this *12th* day of May, 2021, upon consideration of Anthony W. Jones, III's Motion to Proceed *In Forma Pauperis* (ECF No. 1), *pro se* Complaint, and April 27, 2021 letter, it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Anthony W. Jones, III, #69850-066, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of FDC-Philadelphia or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Mr. Jones's inmate account; or (b) the average monthly balance in Mr. Jones's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Mr. Jones's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Mr. Jones's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of FDC-Philadelphia.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED IN PART WITH PREJUDICE** and **DISMISSED IN PART WITHOUT PREJUDICE** for the reasons stated in the Court's Memorandum as follows:

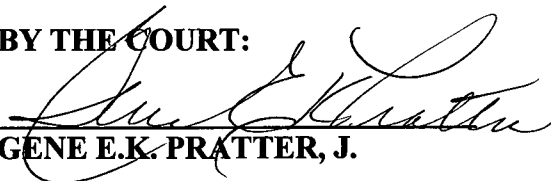
a. The claims that the Court dismissed as barred by *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994) are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The dismissal is without prejudice to Mr. Jones filing a new case in the event his underlying conviction is reversed, vacated, or otherwise invalidated.

b. Mr. Jones's state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

c. All other claims are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:


GENE E.K. PRATTER, J.